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FILED

SEP 03 2014

BUREAU OF REAL ESTATE

By

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JOSUE LEVIS, Respondent.	No. H-36611 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On January 20, 2011, a Decision was rendered revoking the real estate broker license of Respondent. As a result of a 2009 audit of a corporation where Respondent was the designated officer it was determined that Respondent failed to property supervise the activities of the corporation.

On January 22, 2013, Respondent petitioned for reinstatement of said real estate broker license.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate broker license at this time.

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The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and integrity than an applicant for first time licensure. The proof must be sufficient to overcome the prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

The Bureau has developed criteria in Section 2911 of Title 10, California Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for reinstatement of a license. Among the criteria relevant in this proceeding are:

Regulation 2911(j)—Discharge of, or bona fide efforts toward discharging monetary obligations to others

Respondent is obligated by the terms of the settlement agreement with the Bureau of Real Estate to pay the Bureau for the cost of performing the audit. Respondent has failed to pay the Bureau for the cost of the audit as agreed.

Given the violations found and the fact that Respondent has not established that Respondent has complied with Regulation 2911 (j), I am not satisfied that Respondent is sufficiently rehabilitated to have his broker license reinstated.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of Respondent's real estate broker license is denied.

This Order shall become effective at 12 o'clock noon on SEP 23 2014.

IT IS SO ORDERED 8/18/2014

REAL ESTATE COMMISSIONER

Wayne S. Bell

Department of Real Estate
320 W. 4TH Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

FILED

FEB - 2 2011

DEPARTMENT OF REAL ESTATE
BY: [illegible]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of NEW HORIZON R E INC. doing business as JL Funding, JL Mortgage and Levis Estates; and JOSUE LEVIS, individually and as designated officer of New Horizons R E Inc., Respondents.	No. H-36611 LA STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondents NEW HORIZON R E INC., and JOSUE LEVIS, individually and as designated officer of New Horizon R E Inc. (sometimes collectively referred to as "Respondents"), and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on April 27, 2010, in this matter:

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1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

2. Respondents have received, read and understand the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in this proceeding.

3. Respondents filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents acknowledge that they understand that by withdrawing said Notice of Defense they thereby waive their right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that they will waive other rights afforded to them in connection with the hearing such as the right to present evidence in their defense the right to cross-examine witnesses.

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4. This Stipulation is based on the factual allegations contained in the Accusation. In the interest of expedience and economy, Respondents choose not to contest these allegations, but to remain silent and understand that, as a result thereof, these factual allegations, without being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove said factual allegations.

5. This Stipulation is made for the purpose of reaching an agreed disposition of this proceeding and is expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate ("Department"), or another licensing agency of this state, another state or if the federal government is involved, and otherwise shall not be admissible in any other criminal or civil proceeding.

6. It is understood by the parties that the Real Estate Commissioner may adopt this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect and Respondents shall retain the right to a hearing and proceeding on the Accusation under the provisions of the APA and shall not be bound by any stipulation

or waiver made herein.

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

8. Respondents understand that by agreeing to this Stipulation, Respondents agree to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit which led to this disciplinary action. The amount of said cost is $3,899.25.

9. Respondents have received, read, and understand the "Notice Concerning Costs of Subsequent Audit". Respondents further understand that by agreeing to this Stipulation, the findings set forth below in the Determination of Issues become final, and the Commissioner may charge Respondents for the cost of any subsequent audit conducted pursuant to Business and Professions Code Section 10148 to determine if the violations have been corrected. The maximum cost of the subsequent audit will not exceed $3,899.25.

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DETERMINATION OF ISSUES

By reason of the foregoing, it is stipulated and agreed that the following determination of issues shall be made:

I.

The conduct of NEW HORIZON R E INC. as described in Paragraph 4, above, is in violation of Sections 10137, 10145, 10148, 10160, 10236.4 and 10240 of the Business and Professions Code ("Code") and Sections 2726, 2753, 2831, 2831.1 and 2840 of Title 10, Chapter 6 of the California Code of Regulations ("Regulations") and is a basis for the suspension or revocation of Respondent's license and license rights as violations of the Real Estate Law pursuant to Code Section 10177(d).

II.

The conduct of JOSUE LEVIS, as described in Paragraph 4, above, constitutes a failure to keep NEW HORIZON R E INC. in compliance with the Real Estate Law during the time that he was the officer designated by a corporate broker licensee in violation of Section 10159.2 of the Code. This conduct is a basis for the suspension or revocation of Respondent's license pursuant to Code Section 10177(h).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent NEW HORIZON R E INC. under the Real Estate Law are revoked.

II.

The real estate broker license of Respondent JOSUE LEVIS under the Real Estate Law is revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent, pursuant to Section 10156.5 of the Business and Professions Code, if Respondent:

A. Makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision.

B. Respondent shall, prior to and as a condition of the issuance of the restricted license, submit proof satisfactory to the Commissioner of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes evidence that respondent has successfully completed the trust fund account and handling continuing education course within 120 days prior to the effective date of the Decision in this matter.

The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code.

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years has elapsed from the effective date of the issuance of the restricted license.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. Respondent shall, within nine (9) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

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III.

The restricted salesperson license of Respondent JOSUE LEVIS, under the Real Estate Law is suspended for a period of one hundred twenty (120) days from the date of issuance of the restricted salesperson license.

A. Provided, however, that if Respondent requests, the initial thirty (30) days of said suspension (or a portion thereof) shall be stayed for two (2) years upon condition that:

1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of $166.67 per day for each day of the suspension for a total monetary penalty of $5,000.

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department prior to the effective date of the Decision in this matter.

3. No further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision in this matter.

4. If Respondent fails to pay the monetary penalty in accordance with the terms of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension, in which event the Respondent

shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

5. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

B. The remaining ninety (90) days of the one hundred twenty (120) day suspension shall be stayed for two (2) years upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made after hearing or upon stipulation, which cause for disciplinary action occurred within two (2) years from the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

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II.

Pursuant to Section 10148 of the Business and Professions Code, Respondents shall pay the Commissioner's reasonable cost for (a) the audits which led to this disciplinary action and (b) a subsequent audits to determine if Respondents NEW HORIZON R E INC. and JOSUE LEVIS are now in compliance with the Real Estate Law. The cost of the audit which led to this disciplinary action is $3,899.25. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Said amount for the prior and subsequent audits shall not exceed $7,798.50. Respondents are jointly and severally liable for the cost of the audits.

Respondents shall pay such cost within 60 days of receiving an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities.

The Commissioner may suspend the license of Respondents pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between the Respondents and the Commissioner. The suspension shall remain in effect until payment is made in full or until a

Respondent enters into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

DATED: 12-14-10

ELLIOTT MAC LENNAN, Counsel for the Department of Real Estate

* * *

EXECUTION OF THE STIPULATION

We have read the Stipulation. Its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

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MAILING AND FACSIMILE

Respondents (1) shall mail the original signed signature page of the stipulation herein to Elliott Mac Lennan: Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105. Respondents shall also (2) facsimile a copy of signed signature page, to the Department at the following telephone/fax number: (213) 576-6917, Attention: Elliott Mac Lennan.

A facsimile constitutes acceptance and approval of the terms and conditions of this stipulation. Respondents agree, acknowledge and understand that by electronically sending to the Department a facsimile copy of Respondents' actual signature as it appears on the stipulation that receipt of the facsimile copy by the Department shall be as binding on Respondents as if the Department had received the original signed stipulation.

DATED: 12/10/10

NEW HORIZON R E INC.,
BY: JOSUE LEVIS,
Respondent

DATED: 12/10/10

JOSUE LEVIS, individually and as designated officer of New Horizon R E Inc., Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents NEW HORIZON R E INC. and JOSUE LEVIS, individually and as designated officer of NEW HORIZON R E INC. and shall become effective at 12 o'clock noon on March 4, 2011.

IT IS SO ORDERED 1-20, 2011.

JEFF DAVI
Real Estate Commissioner

Department of Real Estate
320 W. 4TH Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

FILED

FEB - 2 2011

DEPARTMENT OF REAL ESTATE
BY:

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of NEW HORIZON R E INC. doing business as JL Funding, JL Mortgage and Levis Estates; and JOSUE LEVIS, individually and as designated officer of New Horizons R E Inc., Respondents.	No. H-36611 LA STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondents NEW HORIZON R E INC., and JOSUE LEVIS, individually and as designated officer of New Horizon R E Inc. (sometimes collectively referred to as "Respondents"), and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on April 27, 2010, in this matter:

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1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

2. Respondents have received, read and understand the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate in this proceeding.

3. Respondents filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents acknowledge that they understand that by withdrawing said Notice of Defense they thereby waive their right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that they will waive other rights afforded to them in connection with the hearing such as the right to present evidence in their defense the right to cross-examine witnesses.

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4. This Stipulation is based on the factual allegations contained in the Accusation. In the interest of expedience and economy, Respondents choose not to contest these allegations, but to remain silent and understand that, as a result thereof, these factual allegations, without being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove said factual allegations.

5. This Stipulation is made for the purpose of reaching an agreed disposition of this proceeding and is expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate ("Department"), or another licensing agency of this state, another state or if the federal government is involved, and otherwise shall not be admissible in any other criminal or civil proceeding.

6. It is understood by the parties that the Real Estate Commissioner may adopt this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect and Respondents shall retain the right to a hearing and proceeding on the Accusation under the provisions of the APA and shall not be bound by any stipulation

or waiver made herein.

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

8. Respondents understand that by agreeing to this Stipulation, Respondents agree to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit which led to this disciplinary action. The amount of said cost is $3,899.25.

9. Respondents have received, read, and understand the "Notice Concerning Costs of Subsequent Audit". Respondents further understand that by agreeing to this Stipulation, the findings set forth below in the Determination of Issues become final, and the Commissioner may charge Respondents for the cost of any subsequent audit conducted pursuant to Business and Professions Code Section 10148 to determine if the violations have been corrected. The maximum cost of the subsequent audit will not exceed $3,899.25.

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DETERMINATION OF ISSUES

By reason of the foregoing, it is stipulated and agreed that the following determination of issues shall be made:

I.

The conduct of NEW HORIZON R E INC. as described in Paragraph 4, above, is in violation of Sections 10137, 10145, 10148, 10160, 10236.4 and 10240 of the Business and Professions Code ("Code") and Sections 2726, 2753, 2831, 2831.1 and 2840 of Title 10, Chapter 6 of the California Code of Regulations ("Regulations") and is a basis for the suspension or revocation of Respondent's license and license rights as violations of the Real Estate Law pursuant to Code Section 10177(d).

II.

The conduct of JOSUE LEVIS, as described in Paragraph 4, above, constitutes a failure to keep NEW HORIZON R E INC. in compliance with the Real Estate Law during the time that he was the officer designated by a corporate broker licensee in violation of Section 10159.2 of the Code. This conduct is a basis for the suspension or revocation of Respondent's license pursuant to Code Section 10177(h).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All licenses and licensing rights of Respondent NEW HORIZON R E INC. under the Real Estate Law are revoked.

II.

The real estate broker license of Respondent JOSUE LEVIS under the Real Estate Law is revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent, pursuant to Section 10156.5 of the Business and Professions Code, if Respondent:

A. Makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision.

B. Respondent shall, prior to and as a condition of the issuance of the restricted license, submit proof satisfactory to the Commissioner of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes evidence that respondent has successfully completed the trust fund account and handling continuing education course within 120 days prior to the effective date of the Decision in this matter.

The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code.

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years has elapsed from the effective date of the issuance of the restricted license.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. Respondent shall, within nine (9) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

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III.

The restricted salesperson license of Respondent JOSUE LEVIS, under the Real Estate Law is suspended for a period of one hundred twenty (120) days from the date of issuance of the restricted salesperson license.

A. Provided, however, that if Respondent requests, the initial thirty (30) days of said suspension (or a portion thereof) shall be stayed for two (2) years upon condition that:

1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of $166.67 per day for each day of the suspension for a total monetary penalty of $5,000.

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department prior to the effective date of the Decision in this matter.

3. No further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision in this matter.

4. If Respondent fails to pay the monetary penalty in accordance with the terms of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension, in which event the Respondent

shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

5. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

B. The remaining ninety (90) days of the one hundred twenty (120) day suspension shall be stayed for two (2) years upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made after hearing or upon stipulation, which cause for disciplinary action occurred within two (2) years from the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

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II.

Pursuant to Section 10148 of the Business and Professions Code, Respondents shall pay the Commissioner's reasonable cost for (a) the audits which led to this disciplinary action and (b) a subsequent audits to determine if Respondents NEW HORIZON R E INC. and JOSUE LEVIS are now in compliance with the Real Estate Law. The cost of the audit which led to this disciplinary action is $3,899.25. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Said amount for the prior and subsequent audits shall not exceed $7,798.50. Respondents are jointly and severally liable for the cost of the audits.

Respondents shall pay such cost within 60 days of receiving an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities.

The Commissioner may suspend the license of Respondents pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between the Respondents and the Commissioner. The suspension shall remain in effect until payment is made in full or until a

Respondent enters into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

DATED: 12-14-10

ELLIOTT MAC LENNAN, Counsel for the Department of Real Estate

* * *

EXECUTION OF THE STIPULATION

We have read the Stipulation. Its terms are understood by us and are agreeable and acceptable to us. We understand that we are waiving rights given to us by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we would have the right to cross-examine witnesses against us and to present evidence in defense and mitigation of the charges.

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MAILING AND FACSIMILE

Respondents (1) shall mail the original signed signature page of the stipulation herein to Elliott Mac Lennan: Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105. Respondents shall also (2) facsimile a copy of signed signature page, to the Department at the following telephone/fax number: (213) 576-6917, Attention: Elliott Mac Lennan.

A facsimile constitutes acceptance and approval of the terms and conditions of this stipulation. Respondents agree, acknowledge and understand that by electronically sending to the Department a facsimile copy of Respondents' actual signature as it appears on the stipulation that receipt of the facsimile copy by the Department shall be as binding on Respondents as if the Department had received the original signed stipulation.

DATED: 12/10/10

NEW HORIZON R E INC.,
BY: JOSUE LEVIS,
Respondent

DATED: 12/10/10

JOSUE LEVIS, individually and as designated officer of New Horizon R E Inc., Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents NEW HORIZON R E INC. and JOSUE LEVIS, individually and as designated officer of NEW HORIZON R E INC. and shall become effective at 12 o'clock noon on March 4, 2011.

IT IS SO ORDERED 1-20, 2011.

JEFF DAVI
Real Estate Commissioner

ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6911 (direct)
-or- (213) 576-6982 (office)

FILED

APR 27 2010

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of NEW HORIZON R E INC. doing business as JL Funding, JL Mortgage and Levis Estates; and JOSUE LEVIS, individually and as designated officer of New Horizons R E Inc., Respondents.	No. H-36611 LA A C C U S A T I O N

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against NEW HORIZON R E INC. dba JL Funding, JL Mortgage and Levis Estates, and JOSUE LEVIS, individually and as designated officer of New Horizons R E Inc., alleges as follows:

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1.

The Complainant, Maria Suarez, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against NEW HORIZON R E INC. (NEREI) and JOSUE LEVIS (LEVIS).

2.

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

Licensing

3.

A. At all times mentioned, NEREI and LEVIS were licensed or had license rights issued by the Department of Real Estate (Department) as real estate brokers.

B. At all times material herein, NEREI was licensed by the Department as a corporate restricted real estate broker by and through LEVIS, pursuant to Code Sections 10211 and 10159.2 for supervising the activities requiring a real estate license conducted on behalf of NEREI.

Brokerage

4.

At all times mentioned, in the City of Canoga Park and County of Los Angeles, Respondents CMC, GIMBEL and BARLEY, acted as real estate brokers conducting licensed activities within the meaning of Code Sections 10131(d) and 10131.2, dba JL Funding, JL

Mortgage and Levis Estates. Respondents, pursuant to Code Section 10131(d), engaged in the business of:

a. Mortgage Loan Brokerage: Respondents engaged in activities with the public wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such loans were arranged, negotiated, processed and consummated on behalf of others for compensation or in expectation of compensation and for fees often collected in advance; and

b. Loan Modification Brokerage. Respondents solicited and offered to provide loan modification services to economically distressed homeowners seeking adjustments of the terms of their home loans including, but not limited to, repayment plans, forbearance, partial claims, and principal/interest, foreclosure prevention and short sales.

c. Advance Fee Brokerage. In addition, Respondents demanded, charged and collected advance fees including "up front fees" for processing loan modifications and for negotiating with lenders.

Audit

5.

On August 17, 2009, the Department completed an audit examination of the books and records of NEREI pertaining to the mortgage loan activities described in Paragraph 4 that require a real estate license. The audit examination covered a period of

time beginning on May 1, 2006 to May 31, 2009. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report LA 080300 and the exhibits and work papers attached to said audit report.

Trust Account

6.

During the audit period no trust account was maintained

Violations

7.

In the course of activities described in Paragraphs 4 and 6, above, and during the examination period described in Paragraph 5, Respondents NEREI and LEVIS, acted in violation of the Code and the Regulations in that Respondents:

(a) Commingled trust funds in the form of borrower payments by depositing credit report and appraisal fees into NHREI's general account instead of depositing them into a trust account designated for that purpose in the name of the broker as trustee at a bank or other financial institution, in violation of Code Sections 10145 and 10176(e) and Regulation 2832.

(b) Failed to maintain an adequate control record in the form of a columnar record in chronological order of trust funds received, in violation of Code Section 10145 and Regulation 2831.

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(c) Failed to maintain an adequate separate record of trust funds received, in violation of Code Section 10145 and Regulation 2831.1.

(d)(1) Failed to retain a true and correct copy of a Department of Real Estate approved Mortgage Loan Disclosure Statement signed by the broker for borrowers Daniel Estrada, Vincent English, Victor Puebla, M & L Velagomez and Gerardo Travarez, in violation of Code Section 10240 and Regulation 2840; and

(d)(2) Failed to make all applicable disclosures including but not limited to, yield spread premiums rebates by the lender and (2) failed to disclose to the aforesaid borrowers the true loans fees paid to NHREI, instead of listing Fees paid to broker as "Fees paid to others", in violation of Code Section 10240 and Regulation 2840.

(e) Failed to display the Department's license number or the name of the corporation, NHREI, for the aforesaid borrowers Margarita Corral, and the Robert and Patricia Beltran CMLDS, as required by Code Section 10236.4.

(f) Employed and compensated Rene Solis, a real estate salesperson, not licensed to NHREI or LEVIS, to solicit borrowers for loans secured directly or collaterally by real property, in violation of Code Section 10137.

(g) After notice, failed to retain all records of NHREI's activity during the audit period requiring a real estate broker license, in violation of Code Section 10148.

(h) Failed to retain the salesperson license certificate for Mirna Garcia, Samir Hanna, Gedalia Levis, David Lynn, Sally Samaris and Ozlem Alper, in violation of Code Section 10160 and Regulation 2753.

(i) Failed to maintain a signed broker salesperson agreement with Mirna Garcia, Samir Hanna, Gedalia Levis, David Lynn, Sally Samaris and Ozlem Alper's real estate licensees in violation of Code Section 10160 and Regulations 2726; and

(j) LEVIS' had no system in place for regularly monitoring his compliance with the Real Estate Law especially in regard to establishing policies to review and handle:

(1) trust funding handling procedures

(2) mortgage loan disclosures; and

(3) unlicensed persons performing activities for payment requiring a real estate license, in violation of Code Sections 10159.2, 10176(i) and 10177(h) and Regulation 2725.

Disciplinary Statutes

8.

The conduct of Respondents NEREI and LEVIS described in Paragraph 7, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
7(a)	Code Sections 10145 and 10176(e) and Regulation 2832
7(b)	Code Section 10145 and Regulation 2831

7(c)	Code Section 10145 and Regulation 2831.1
7(d)	Code Section 10240 and Regulation 2840
7(e)	Code Section 10236.4
7(f)	Code Section 10137
7(g)	Code Section 10148
7(h)	Code Section 10160 and Regulation 2726
7(i)	Code Section 10160 and Regulation 2753
7(j)	Code Sections 10159.2, 10176(i), 10177(h) and Regulation 2725

The foregoing violations constitute cause for discipline of the real estate license and license rights of NEREI and LEVIS, under the provisions of Code Sections 10165, 10176(e), 10176(i), 10177(d) and/or 10177(g).

9.

The conduct of Respondents NEREI and LEVIS constitutes negligence or incompetence and is cause for discipline of the real estate license and license rights of Respondents NEREI and LEVIS pursuant to Code Section 10177(g).

10.

The overall conduct of Respondent LEVIS constitutes a failure on Respondent's part, as officer designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of NEREI as required by Code Section 10159.2, and to keep NEREI in compliance with the Real Estate Law, and is cause for discipline of the real estate license and license rights of LEVIS pursuant to the provisions of Code Sections 10177(h), 10177(d) and 10177(g).

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against the license and license rights of Respondents NEW HORIZON R E INC. and JOSUE LEVIS, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 30th day of March 2016

Deputy Real Estate Commissioner

c: New Horizons R E Inc.
c/o Josue Levis D.O.
Maria Suarez
Sacto
Alyxander K. Canlas
Audits - Anna Hartoonian